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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/824,512 | 04/14/2004 | David A. Doornbos | 14187 | 6462 |

7590 03/22/2005

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EXAMINER

WILLIAMS, THOMAS J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3683

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,512

Applicant(s)

DOORNBOS ET AL.

Examiner

Thomas J. Williams

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,10,11 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☒ Claim(s) 1-3,5-7,10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment filed January 28, 2005.

Claim Objections

2. Claims 1-3, 5-6, 10, 11 and 17-20 are objected to because of the following informalities: claims 1 and 17 recite the base having a single wall (such as element 20) extending outwardly. However, the damper is actually provided with two elements that can be interpreted as a wall, the first is element 20 the second is element 34. The protrusion 34 is in fact a wall structure, as such the recitation of a single wall should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 3683

5. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,604,614 to Kurihara et al. in view of US 6,729,447 to Takahashi and in view of US 4,869,125 to Saigusa.

Re-claim 17, Kurihara et al. teach a damper comprising: a first part 21 having a base 22 and a wall 23 extending outwardly from the base (equivalent to the recited single wall 20 in the instant application, portion 24 is equivalent to the protrusion 34 in the instant application), the wall has an open end and a lip 23d; a second part 28 is rotatably secured to the first part, the second part has a cover 30, and an outer rim 30d, the rim extends beyond the wall open end; the rim is defined by a thickened end of a diameter greater than a diameter of the wall and less than the diameter of the lip, the thickened end is disposed outwardly of the wall between the lip and the base; the first and second part define a sliding seal; a continuous layer of damping fluid is contained between the first and second parts and radially constrained by the seal. However, Kurihara et al. fail to teach the lip being rounded and engaging a continuous rim.

Takahashi teaches a damper having a wall with a rounded lip that engages a continuous rim of a cover. The connection means of Takahashi and Kurihara et al. are considered functional equivalents and are minor modifications of each other. It would have been obvious to one of ordinary skill in the art to have provided the damper of Kurihara et al. with a continuous and rounded connection means as taught by Takahashi, since both are considered functional equivalents.

The damper of Kurihara et al. is provided with an integral external attachment member 30c, that in the opinion of the examiner is functionally equivalent to a gear. However, for the sake of argument Saigusa is relied upon to teach the known use of a gear (identical to the instant

Art Unit: 3683

application) integral with a rotatable assembly. It would have been obvious to one of ordinary skill in the art to have provided the damper assembly of Kurihara et al. with a traditional gear as taught by Saigusa, this would have allowed for connection with various elements that require a damped movement.

Re-claim 18, the seal is formed by the axial separation of the first and second part.

Re-claims 19 and 20, the damping fluid is compressed between the first and second part and apply force against the first and second part for creating a seal.

Allowable Subject Matter

6. Claims 1-3, 5-7, 10 and 11 would be allowable if rewritten or amended to overcome the objections, set forth in this Office action.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to anticipate or render obvious a damping fluid compressed in the space between the first and second parts including between the rounded lip and the curved recess and contained therein by a seal formed by the edge against the lip.

Response to Arguments

8. Applicant's arguments filed January 28, 2005 have been fully considered but they are not persuasive. The applicant contends that Kurihara et al. fail to teach a rotatable part having a cover and an outer rim, with the rim extending over and beyond the wall. It is unclear to the examiner how the applicant comes to this conclusion. As stated above Kurihara et al. clearly illustrate a rotatable part 28 that has a cover 30 with a rim 30d that extends over and beyond the wall 20, in particular portion 23d, the rim has a thickened end of a diameter greater than the diameter of the wall but less than the diameter of the lip (otherwise a snap connection would not

Art Unit: 3683

be possible). This is all consistent with the instant application. The recitation of having a rounded lip is addressed by Takahashi, which in the opinion of the examiner is well known in the art. Having two interconnecting elements shaped in a rounded fashion is not novel, and is generally used to ease construction. The rounded edges will more easily allow a press fitting process or snap connection to be performed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kurachi et al. teach a damper with a rounded snap connection between a base and a cover.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346

Art Unit: 3683

(after April 2005 the new telephone number will be 571-272-7128). The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci, can be reached at (703) 308-3668 (after April 11, 2005 the new telephone number will be 571-272-7099). The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

March 17, 2005

THOMAS WILLIAMS
PATENT EXAMINER

Thomas Williams
AJ 3683
3-17-05